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OFFICE OF PETITIONS

In re Application of
Kim, et al.
Application No. 10/099,781
Filed: March 14, 2002
Attorney Docket No. MUTU12.001AUS
For: DOUBLE-SPIRO ORGANIC
COMPOUNDS AND ORGANIC
ELECTROLUMINESCENT DEVICES
USING THE SAME

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed May 29, 2002, requesting in effect, withdrawal of the Notice of Incomplete Nonprovisional Application, mailed April 23, 2002 and accordation of a March 14, 2002 filing date to the above-identified application.

The application was deposited on March 14, 2002. On April 23, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on March 14, 2002 because no drawing was present, as is required by 35 USC 113.

In response to the Notice, petitioners timely filed, *inter alia*, the present petition.

It is noted that the above-identified application contains process claims. As stated in MPEP 601.01(f), it is the practice of the PTO to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence.)

MPEP 601.01(f) also states that:

A non provisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, but filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains process claims. Therefore, the above-identified application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

MPEP 601.01(g) states that if an application is filed without all of the drawing figures referred to in the specification, a "Notice of Omitted Items" is mailed indicating that the application has been accorded a filing date.

In view of the above, the "Notice" mailed April 23, 2002 was mailed in error and is hereby withdrawn. The petition is **granted**. Pursuant to petitioners' authorization, deposit account no. 11-1410 will be credited the \$130.00 petition fee.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **March 14, 2002**.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

Christina Lautere Donnell bo

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for Patent Examination Policy